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31. The system of claim 30, wherein the message waiting [indicator] indication is [sent] transmitted to said hub end office via a SDMI link, and the message waiting [indicator] indication is [sent] transmitted from said hub end office to the landline [telephone trough] communication device through a remote end office over the Signal System 7 network.

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32. The system of claim 31, wherein the message waiting [indicator] indication is provided to the landline [telephone] communication device using a simplified message desk data link.

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33. The system of claim 32 wherein said [generator causes notifications to be] message waiting indication is [sent] transmitted to said [mobile telephone] wireless device and said landline [telephone] communication device substantially simultaneously.

#### REMARKS

Claims 18-33 are pending in this application. Claims 18-19, 24-25 and 29-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pepe et al (U.S. Patent No. 5,742,905) in view of O'Neil et al (U.S. Patent No. 5,963,864). Claims 20-23, 26-28 and 31-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pepe et al in view of O'Neil et al as applied to claim 18 and further in view of Seazholtz et al (U.S. Patent No. 5,333,173). Claims 18-33 have been amended to better define the invention. Reconsideration of the rejection of the application is respectfully requested in view of the above amendments and the following remarks.

**1. Neither Pepe or O'Neil teach transmitting a message waiting indicator to a wireless device and a landline communication device**

Claims 18 and 24 recite a message waiting indicator "wherein when a request to leave a message is received at the mobile switching center interface for either the wireless device or the landline communication device, a message waiting indication is transmitted to both the wireless device and the landline communication device." Similarly, claim 29 recites "transmitting a message waiting indication to said wireless device and said landline communication device." Neither Pepe or O'Neil teach this feature of the invention.

The Examiner correctly stated that Pepe "does not teach sending notification messages to both a landline phone and a mobile phone." See July 19, 2000, Office Action at 3. The Examiner incorrectly relies on Pepe as teaching "broadcasting of messages" at column 23, lines 39-42. This section of Pepe discloses that "[a] subscriber may send voice mail, e-mail, and fax messages between different service providers and networks." See Pepe at col. 23, lines 40-42. Pepe does not suggest sending "a message waiting indicator" to a wireless device and a landline device as recited in the claims of the present invention.

The Examiner relies on O'Neil as teaching sending communication to both a wireless and wireline terminals. This reliance is misplaced, however, because O'Neil does not teach sending "a message waiting indicator" as claimed in the present invention.

**2. There is no actual evidence of a suggestion to combine Pepe and O'Neil**

Even assuming that Pepe and O'Neil taught or suggested all of the limitations of claims 18, 24, and 29, the rejection of these claims as obvious over Pepe and O'Neil was not proper because the Examiner has not shown "actual evidence" that there would have been a motivation for combining these references. See *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (holding that an examiner is required to show "actual evidence" of a motivation to combine references). Rather, the Examiner has stated that it would have been obvious to combine Pepe and O'Neil because the references are "in analogous wireline and wireless communication activities." See July 19, 2000, Office Action at page 4. While references must be analogous to be combined for obviousness purposes,

simply relating to analogous activities does not provide a motivation for combining the references—if it did, the requirement that there be a motivation to make a case of obviousness would be of almost no consequence. Rather, to make a prima facie case of obviousness, the examiner must show actual evidence that there is some reason a person of ordinary skill in the art would have wanted to combine the teachings.

**3. Claims 19-23, 25-28, and 30-33 are patentable for at least the above reasons**

The remaining claims depend from independent claims 18, 24, or 29, and are allowable for at least the same reasons as set forth above with respect to claims 18, 24, and 29. Applicants note that the Examiner has set forth bases for rejections of certain dependent claims. Because each dependent claim ultimately depends from an independent claim that is patentable, Applicants decline to respond specifically to those bases for rejection. Applicants do not, however, necessarily agree with the Examiner's characterization of the references and the dependent claims, and preserve the right to respond, if necessary, at a later date.

**4. Conclusion**

Applicant respectfully requests entry of the above amendments and favorable action in connection with this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or §1.17 to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4310 to discuss any matter concerning this application.

Respectfully submitted,

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Date: Nov 20, 2000

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